

ORDINANCE # 2006-02

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE 1997 REVISED ZONING ORDINANCE

WHEREAS, BROOKINGS COUNTY has previously adopted the 1997 Revised Zoning Ordinance; and

WHEREAS, the Brookings County, South Dakota, Board of County Commissioners deems it necessary, for the purpose of promoting the health, safety, and the general welfare of the County, to amend the 1997 Revised Zoning Ordinance.

THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA, that the 1997 Revised Zoning Ordinance of Brookings County be amended as follows:

SECTION A. That Article VIII, Section 802, Building Permit, Paragraph 3 be amended as follows:

3. The issuance of a building permit shall, in no case, be construed as waiving any provisions of this regulation. All building permits shall be valid for eighteen (18) months after the date of issuance, however, a building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein. A six (6) month extension may be granted if requested in writing at least one month prior to the expiration date. Maximum extension authorized is six (6) months.

SECTION B. That Article XI be amended as follows:

1. That Section 1101 "A" Agricultural District, Conditional Uses Paragraph 16 be amended as follows:

16. One manufactured or mobile home as a secondary residence, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children or brothers and sisters of the occupant of the land, provided that said home is removed within ninety (90) days of the vacation therefrom by the qualified occupant or occupants.

2. That Section 1103 "LP" Lake-Park District, Permitted Uses, Paragraph 6 be amended as follows:

6. Accessory buildings, must be of new construction, maximum of 10' side-walls and 1000 square feet or less and meet the required setbacks. Accessory buildings of 120 square feet or less are not required to have a building permit.

3. That Section 1106 Aquifer Protection Overlay District, Establishment and Delineation of Aquifer Protection Overlay Zones be amended as follows:

Boundaries for the aquifer protection zones for the Aquifer Protection Overlay District are shown on published maps entitled "Well head Protection Area Maps, Brookings County Shallow Aquifer Map" dated May, 1988, with pages 5 and 9 amended in January of 1999, as drawn by Banner Associates. Said maps are hereby adopted by reference as part of this ordinance as if the maps were fully described herein. In addition to the before mentioned maps the South Dakota Department of Environment and Natural Resources, Division of Financial and Technical Assistance, Geological Survey Aquifer Materials Map 19 dated 2004 will be used to further identify aquifer boundaries. In the event of a conflict between such maps as to the area covered by the aquifer at a given location, then the map showing the larger aquifer area shall be followed.

SECTION C. That Article XII be amended as follows:

1. That Section 1211, Concentrated Animal Feeding Operation Requirements, Animal Units, "Equivalent Number of a Species to Equal" shall be amended as follows.

EQUIVALENT NUMBER OF A SPECIES TO EQUAL:

<u>ANIMAL SPECIES</u>	<u>500 AU</u>	<u>1,000 AU</u>	<u>2,000 AU</u>	<u>ANIMAL UNIT EQUIVALENT SPECIES/AU</u>
Feeder or Slaughter Cattle	500 hd	1,000 hd	2,000 hd	1.0
Mature Dairy Cattle	357 hd	714 hd	1,428 hd	1.4
Calves (up to 400 pounds)	1250 hd	2,500 hd	5,000 hd	0.4
Finisher Swine (over 55 lbs)	1250 hd	2,500 hd	5,000 hd	0.4
Nursery Swine (less than 55 lbs)	5,000 hd	10,000 hd	20,000 hd	0.1
Farrow to Finish*	135 hd	270 hd	540 hd	3.7
Sow and Litter	465 hd	1,076 hd	2,150 hd	0.93
Horses	250 hd	500 hd	1,000 hd	2.0
Sheep	5,000 hd	10,000 hd	20,000 hd	0.1
Turkeys	27,750 hd	55,550 hd	111,150 hd	0.018
Laying Hens and Broilers (continuous overflow watering in facility)	50,000 hd	100,000 hd	200,000 hd	0.01
Laying Hens and Broilers (liquid handling system in confinement facility)	15,150 hd	30,300 hd	60,600 hd	0.033
Ducks	2,500 hd	5,000 hd	10,000 hd	0.2

*Figures in the farrow to finish column include sows, pigs born and fed to market weight at one site, at one time.

2. That Section 1211, Subsection 4, Manure Management and Operation Plan, Paragraph A 6 be amended as follows:

6. Applicants shall keep records of manure applications on individual fields, which document acceptable manure, and nutrient management practices have been followed. These records shall include soils test results for surface two feet of soil, actual and projected crop yields, nutrient analysis of manure, and information about date, rate and method of manure applications for individual fields. The producer shall retain records of all monitoring information, maintenance and inspection records, copies of reports required by this permit. The producer shall keep the records for at least three years from the date of the sample, measurement, report, or application. Data collected and a copy of this permit must be kept at the confined animal feeding operation or the usual place of business where employees of the operation have access to them. These shall be made available for review by the Brookings County Zoning Board or its representative upon a written request.

3. That Section 1211, Subsection 6, Required Setbacks and Separation Distance for New Concentrated Feeding Operations and those Expanding by 500 or More Animal Units after May 13, 1997 be amended as follows:

MINIMUMS

	<u>CLASS A</u>	<u>CLASS B</u>	<u>CLASS C</u>	<u>CLASS D & E</u>
Established residences	2,640 feet	1,760 feet	1,320 feet	1,320 feet
Churches, Businesses and Commercially Zoned Areas	2,640 feet	2,640 feet	1,320 feet	1,320 feet
Municipal Areas and Incorporated Municipal boundary limits	5,280 feet	5,280 feet	2,640 feet	1,320 feet
Lake Park District boundary limits	5,280 feet	5,280 feet	2,640 feet	1,320 feet
Private Wells other than the operator	2,640 feet	1,760 feet	1,320 feet	1,320 feet
Lakes and Streams classified as Fisheries as identified by the state	500 feet	500 feet	200 feet	200 feet
Federal, State & County Road ROW Confinement	300 feet	300 feet	200 feet	200 feet
Federal, State & County Road ROW Open lot	50 feet	50 feet	50 feet	50 feet
Township Road ROW Confinement	150 feet	150 feet	150 feet	150 feet
Township Road ROW Open lot	50 feet	50 feet	50 feet	50 feet

Proposals for new concentrated animal feeding operations, on a site-by-site basis, shall be set back from adjoining property lines as the boundaries around Zone A as delineated by the Wellhead Protection Map. Determined by the County Zoning Commission.

The County Zoning Commission shall have the power where exceptional topographic conditions or other extraordinary and exceptional situations or conditions exist to require setbacks in excess of the above minimum for proposals for new concentrated animal feeding operations.

4. That Section 1211, Subsection 7, Standards for Conditional Uses, Subsection "E" be amended as follows:

- E. The permit holder shall provide and at all times maintain General Liability insurance in the amount of at least \$1,000,000.00, with an Environmental Protection Insurance rider of at least \$100,000.00. Proof of such insurance must be received prior to the issuance of a permit and must be provided annually during the operation of such CAFO. The insurance carrier shall be required to provide Brookings County with notice of insurance and with a notice of cancellation or change in coverage. Failure to maintain such insurance shall be grounds for cancellation of the Conditional Use Permit.

5. That Section 1211, Subsection 7, Standards for Conditional Uses, be amended by adding thereto paragraphs G, H and I as follows:

- G. In the event of a discharge (as defined by SDCL 34A-2B-1) of manure or other materials or wastes associated with a CAFO, the permit holder shall cooperate fully with and comply with all requirements of the South Dakota Department of Environment and Natural Resources and such permit holder shall take all steps necessary to clean up and eliminate such discharge at the sole expense of the permit holder and/or its insurance carrier. Failure to comply with the requirements of this paragraph shall be grounds for cancellation of the Conditional Use Permit.
- H. The permit holder shall at all times properly dispose of dead livestock consistent with the rules, regulations and directives of the South Dakota Animal Industry Board of the Department of Agriculture. Failure to comply with such rules, regulations or directives shall be grounds for cancellation of the Conditional Use Permit.
- I. The permit holder shall notify Brookings County in writing in the event of closure of the animal confinement operation. Included in the notification shall be: plans for cleaning the buildings, waste system and emptying of the holding pond, storage pit or lagoon.

6. That Section 1212, Wind Energy System (WES) Requirements, Subsection D, General Provisions, Paragraph 12, Noise, be amended as follows:

12. Noise. Noise level shall not exceed 50 dBA, including constructive interference effects at existing off-site residences, businesses, and public buildings.

SECTION D. In all other respects the 1997 Revised Zoning Ordinance shall remain unchanged and is hereby re-ordained.

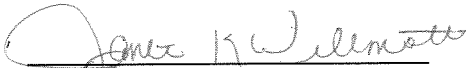
FIRST READING: March 21, 2006

SECOND READING: March 28, 2006



Chairperson, Brookings County
Board of County Commissioners

ATTEST:



Brookings County Auditor

